

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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WILLIAM FRY,

Plaintiff,

Case No. 18-CV-1573

v.

ASCENSION HEALTH MINISTRY,  
SERVICES *doing business as* Columbia  
St. Mary's

Defendant.

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SCHEDULING ORDER

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On January 3, 2019 the court conducted a scheduling conference in accordance with Fed. R. Civ. P. 16. Appearing on behalf of the plaintiff was Attorney Nathaniel Cade, Jr.; on behalf of the defendant was Attorney Sofija Anderson.

**NOW, THEREFORE, IT IS HEREBY ORDERED:**

1. The parties shall make their initial disclosures pursuant to Fed. R. Civ. P. on or before **January 3, 2019**.
2. The parties may amend pleadings on or before **February 8, 2019**.
3. The parties are to disclose information concerning expert witnesses in accordance with Fed. R. Civ. P. 26. Plaintiff shall disclose expert witnesses on or before **June 7, 2019**. Defendants shall disclose expert witnesses on or before **August 2, 2019**.
4. The parties have agreed to the following "claw-back" language:  
  
Federal Rule of Evidence 502 Privilege Protections. All parties are specifically afforded the protections of Federal Rule of Evidence 502 (d) and (e) for any produced document that is or may reasonably be subject to a legally

recognizable privilege (“Protected Document”). The disclosure or production, whether inadvertent or otherwise, of Protected Document(s) by a producing party subject to a legally recognized claim of privilege, including without limitation the attorney-client privilege and the work-product doctrine, to a receiving party, shall in no way constitute the voluntary disclosure of such Protected Document(s), and the disclosure or production of any Protected Document(s) in this action shall not result in the waiver of any privilege, evidentiary protection or other protection associated with such Protected Document(s) as to the receiving party or any third parties. If the producing party determines it has produced Protected Document(s), the producing party shall notify the receiving party of such inadvertent production in writing, identifying the basis for the privilege or protection, and demand the return of such documents. The receiving party shall respond until the issue is resolved by: (i) refraining from reading the Protected Document(s); (ii) returning, sequestering, or destroying all copies and derivative material of such Protected Document(s) (including extracting the Protected Document(s) from databases where possible); and (iii) taking reasonable steps to retrieve the information if disclosed to any third part(ies). If a receiving party determines that any Protected Document has been disclosed, the receiving party shall immediately notify the producing party in writing and take the steps set forth in subsections (i) to (iii) in the preceding sentence until the issue is resolved. Within ten (10) days of receiving such notice, the producing party shall inform the receiving party in writing of an intent to claim privilege and provide a log for such Protected Document(s). The receiving party may thereafter seek reproduction of any such documents pursuant to applicable law.

5. The parties must complete any physical or mental examinations under Fed. R. Civ. P. 35 no later than **July 5, 2019**.

6. All requests for discovery must be served by a date sufficiently early so that all discovery in this case can be completed no later than **October 4, 2019**.
7. All dispositive pretrial motions together with briefs are to be filed in accordance with Civil L.R. 56, and no later than **October 11, 2019**. Such motions shall not be filed prior to the date of completion of discovery.
8. If no dispositive motions are filed, the court will schedule a telephonic scheduling conference soon after the dispositive motion deadline to discuss further scheduling of the case. If dispositive motions are filed, the court will schedule a telephonic scheduling conference after resolving such motions to discuss further scheduling if resolution of the motions does not dispose of the case in its entirety.

Dated at Milwaukee, Wisconsin this 4th day of January, 2019.

BY THE COURT

s/ Nancy Joseph  
NANCY JOSEPH  
United States Magistrate Judge